

# Notice of Allowability

Application No.

10/823,907

Examiner

Robert G. Santos

Applicant(s)

JOHNSON, MICHAEL KARL

Art Unit

3673

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 4/14, 8/20 & 8/31/2004 and the telephonic interview held on 9/30/2005.
2. ☒ The allowed claim(s) is/are 1-8 and 10-15, which have been renumbered as claims 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 09302005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
**ROBERT G. SANTOS**  
**PRIMARY EXAMINER**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kyle L. Elliott on September 29, 2005 and on September 30, 2005.

The application has been amended as follows:

- 1) In claim 1, lines 12 & 14; claim 2, line 2; claim 3, line 2; and in claim 5, line 6: The phrase --at least one-- has been inserted before each instance of the term "wheel frame".
- 2) Claim 9 has been cancelled.
- 3) In claim 10, lines 4 & 6: The phrase "said wheel frame" has been changed to the phrase ---each wheel frame--.
- 4) In claim 11, lines 3 & 4: The term "frame" has been changed to --frames--.
- 5) In claim 11, line 4: The term "moves" has been changed to --move--.
- 6) The "second" instance of claim 11 has been renumbered as claim 12; accordingly, claims 12-14 have been renumbered as claims 13-15, respectively.
- 7) In line 8 of newly-numbered claims 12 and 14: The phrase --about a fulcrum which is between opposite first and second ends of each leverage member-- has been inserted after the term "wheel frames".

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- 8) In the first line of newly-numbered claim 13: The number "11" has been changed to changed to --12--.
- 9) In newly-numbered claim 14, line 13: "(b)" has been changed to --(c)--, the term --said-- has been inserted before the term "leverage", and the phrase "member rotate between" has been changed to --members from--.
- 10) In newly-numbered claim 14, line 16: "(a)" has been changed to --(d)--.
- 11) In newly-numbered claim 14, line 19: "(c)" has been changed to --(e)--.
- 12) In the first line of newly-numbered claim 15: The number "13" has been changed to --14--.

2. The following is an examiner's statement of reasons for allowance: The examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of a bed comprising the particular structural combination of a mattress support frame, at least one wheel frame pivotably mounted to the mattress support frame, a leverage member pivotably mounted to the at least one wheel frame and a lift actuator connecting between the mattress support frame and the leverage member, the lift actuator *for extending and contracting movement between a retracted position and an extended position*, and the lift actuator and the leverage member arranged such that initial extension of the lift actuator causes the leverage member *to push against the mattress support frame* as explicitly recited in independent claims 1 and 7; as well as the use of leverage members pivotably attached to the wheel frames *about a fulcrum which is between opposite first and second ends of each leverage member* for rotating movement between a first position and a second position such that *the*

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*leverage members push against the mattress support frame* as specifically recited in independent claims 12 and 14. With regards to the prior art, most conventional beds which comprise at least one foldable wheel frame include only a single lift actuator attached directly between the wheel frame and the mattress frame, a leverage member pivotally attached to both the wheel frame and the mattress frame such that the only the lift actuator and the lower end of the wheel frame exert a pushing force, or a leverage member which is pivotally attached at one end to the wheel frame. Hence, it is considered that the application is currently in proper condition for allowance.

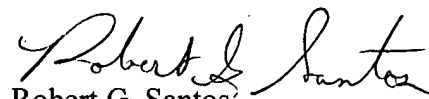
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert G. Santos  
Primary Examiner  
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R.S.  
September 30, 2005